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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fifth session

SUMMARY RECORD OF THE 589th MEETING

Held at the Vienna International Centre, Vienna,
on Monday, 18 March 1996, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

OPENING OF THE SESSION

PARTICIPATION BY NON-MEMBER STATES

PROGRAMME OF WORK AND ADOPTION OF THE AGENDA

ORGANIZATION OF WORK

GENERAL EXCHANGE OF VIEWS

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION

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The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. **The CHAIRMAN** opened the session and said he was confident that the spirit of mutual accommodation, respect and compromise that had always guided the Subcommittee's work would remain unchanged, and that the current session would be productive.

PARTICIPATION BY NON-MEMBER STATES

2. **The CHAIRMAN** said that Saudi Arabia, Slovakia, Thailand and the League of Arab States had applied to participate in the work of the Subcommittee. As the granting of observer status was a prerogative of the Committee on the Peaceful Uses of Outer Space, he suggested that the Subcommittee should not adopt a formal decision on the matter but that, if there was no objection, the representatives of those countries and the League of Arab States should attend the Subcommittee's formal meetings and, if they wished to make statements, seek permission from the Chair.

3. *It was so decided.*

PROGRAMME OF WORK AND ADOPTION OF THE AGENDA (A/AC.105/C.2/L.199)

4. **The CHAIRMAN** drew the Subcommittee's attention to General Assembly resolution 50/27 of 6 December 1995, which contained decisions by the General Assembly regarding the current session, and particularly to paragraph 4, concerning the Subcommittee's mandate, paragraph 7, relating to the organization of its work, and paragraph 12, concerning a review of the requirement for summary records. The Subcommittee would recall that, at its previous session, it had agreed that he should conduct open-ended informal consultations with all its members at the current session with a view to identifying, on the basis of consensus, a subject or list of subjects that might be considered, in the future, for inclusion in the Subcommittee's agenda; and it had recommended that an item entitled "Other matters" should be included in the agenda of its future sessions for consideration at one three-hour meeting unless a consensus decision was taken to allocate more time for that purpose (see document A/AC.105/607 and Corr.1, paras. 53-54). Finally, he drew attention to the provisional agenda (A/AC.105/C.2/L.199) prepared by the Secretariat on the basis of General Assembly resolution 50/27. If he heard no objection, he would take it that the Subcommittee wished to adopt the provisional agenda.

5. *It was so decided.*

ORGANIZATION OF WORK

6. **The CHAIRMAN** noted that, in accordance with the General Assembly's recommendations, open-ended working groups should be established on agenda item 4 ("Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union") and agenda item 5 ("Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries"). In resolution 50/27, the General Assembly had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee should suspend

consideration in the relevant working group of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, without prejudice to the possibility of reconvening the working group if sufficient progress was made in the Scientific and Technical Subcommittee at its 1996 session to warrant such action. As indicated in the report on the thirty-third session of the Scientific and Technical Subcommittee, held from 12 to 23 February 1996 (A/AC.105/637), that Subcommittee considered that, at the present time, revision of the Principles was not warranted. He therefore suggested that the working group on agenda item 3 ("Question of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space") should not be reconvened at the current session.

7. *It was so decided.*

8. **The CHAIRMAN** suggested that the Working Groups on agenda items 4 and 5 should be re-established.

9. *It was so decided.*

10. **The CHAIRMAN** said that, if there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Eugenio María Curia, of Argentina, as Chairman of the Working Group on the Definition of Outer Space and Utilization of the Geostationary Orbit.

11. *It was so decided.*

12. **The CHAIRMAN** said that, if there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Raimundo González, of Chile, as Chairman of the Working Group on the Benefits of Outer Space.

13. *It was so decided.*

14. **The CHAIRMAN** said that the utilization of conference services was of great concern to the General Assembly due to their high cost and the financial constraints faced by the Organization. For a number of years the Subcommittee had maintained the required efficiency in that area by adopting various appropriate measures. It had agreed at its previous session that an organization of work similar to that adopted at its thirty-fourth session should serve as a basis for organizing the work of its thirty-fifth session (A/AC.105/607 and Corr.1, para. 14). That agreement had been endorsed by the Committee on the Peaceful Uses of Outer Space at its June 1995 session (A/50/20, para. 190). The Subcommittee had further agreed on additional measures aimed at improving its working methods (A/AC.105/607 and Corr.1, paras. 46-56). The Committee on the Peaceful Uses of Outer Space had reiterated its recommendation (A/50/20, para. 189) that the Legal Subcommittee, on a permanent basis, should rotate the order of consideration of substantive agenda items. It had, however, endorsed the Subcommittee's recommendation that the order of rotation should be suspended for the 1996 session and that the items should be considered in the same order as in 1995 (items 4, 5 and 3). The Subcommittee had also agreed that less time should be allocated at the current session for the consideration of item 3 than for items 4 and 5.

15. In the light of those remarks, and with a view to optimizing the efficiency of the Subcommittee's work, he suggested that, at the current session, it should adopt similar measures to those adopted in the past, namely the arrangements enumerated in subparagraphs (a) to (f) and (h) to (j) of paragraph 12 of the report on its previous session (A/AC.105/607 and Corr.1). With regard to the scheduling of informal consultations, the practice of cancelling afternoon meetings in advance in order to conduct informal consultations should

be discontinued as in 1995 and the time used for meetings of the working groups or the Subcommittee itself, on the understanding that working group meetings could be cancelled on an ad hoc basis if informal consultations were required. Informal meetings and consultations might take place outside the Subcommittee's work schedule and all informal meetings and consultations of the Subcommittee and its working groups held during the Subcommittee's work schedule should be provided with interpretation services.

16. He drew attention to the indicative three-week schedule of meetings set out in document A/AC.105/C.2/L.199. Although the Subcommittee had set a tentative goal at its previous session of concluding the current session in two weeks, he felt that it would be premature to take a decision on the matter immediately. However, in a spirit of flexibility, the Subcommittee might agree provisionally on a two-week schedule subject to review later in the session. With that in mind, he outlined a possible revised provisional schedule of work, starting with the customary general exchange of views and proceeding to the consideration of the substantive items on the Subcommittee's agenda, and ending with the adoption of the report by the end of the second week.

17. **Mr. LOUET** (France) said that the agenda did not provide for a general exchange of views at the present session.

18. **The CHAIRMAN** drew attention to paragraph 52 of the report of the Subcommittee on the work of its thirty-fourth session (A/AC.105/607 and Corr.1), in which the Subcommittee had recommended that the practice of allocating some time for a general exchange of views should continue.

19. **Mr. ARIZAGA** (Ecuador) agreed that the Subcommittee should have time for a general exchange of views. His delegation could accept the Chairman's suggestion concerning the length of the Subcommittee's session on condition that it did not constitute a precedent and that the Subcommittee should retain the possibility of holding a three-week session.

20. **The CHAIRMAN** said he took it that the Subcommittee approved the arrangements and tentative schedule he had described for the work of its present session.

21. *It was so decided.*

GENERAL EXCHANGE OF VIEWS

22. **Mr. ARIZAGA** (Ecuador) said that the work of the Committee on the Peaceful Uses of Outer Space was of great importance to the international community. While welcoming the process of reform within the United Nations, he believed it was one which should proceed along the lines agreed by Member States and meet the common objectives of the international community. His delegation was therefore concerned at proposals to abolish the Committee and its subcommittees and for their work to be dealt with by another United Nations body. The Committee's success was due to its working methods, the participation of specialist representatives and the fact that it took decisions by consensus. His delegation disapproved of those suggestions and would be monitoring the situation very carefully. It hoped that the financial and staff cuts entailed by the reform would not adversely affect the Office for Outer Space Affairs, which had always done its work most efficiently.

23. His delegation agreed that, since there had been no substantial progress on the issue of nuclear power sources in outer space, the working group on that subject should not be convened at the present session. However, in view of the importance of the issue, his delegation appealed to all States to observe the

Principles Relevant to the Use of Nuclear Power Sources in Outer Space, an activity which should take place only as a last resort and should be monitored and controlled.

24. His delegation would address agenda item 4, concerning definition of outer space and utilization of the geostationary orbit, at a later stage. It had carefully considered the replies which the Secretariat had received to the questionnaire on possible legal issues with regard to aerospace objects (A/AC.105/635) and it looked forward to the Colombian delegation's presentation of its revised working document on the geostationary orbit. Because of growing pollution in outer space, and in the geostationary orbit in particular, his delegation welcomed the idea that the question of space debris should be placed on the Subcommittee's agenda.

25. It also welcomed the increasing interest shown by the members of the Subcommittee in agenda item 5, concerning outer space benefits. The benefits derived from exploring and utilizing outer space should be shared by all States, particularly the developing countries. All countries would gain from the positive effects which the applications of space science and technology would have on their economic and political development.

26. His delegation would give careful attention to any proposal for revising the Committee's methods of work if it sought to enhance progress, but not if it aimed at limiting substantive debate. The flexible approach had proved its worth at previous sessions and should be maintained. In conclusion, his delegation welcomed the inclusion of item 6, "Other matters", in the Subcommittee's agenda.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (A/AC.105/607 and Corr.1, A/AC.105/635, A/AC.105/637; A/50/20)

27. **The CHAIRMAN** drew attention to the report of the Subcommittee on its thirty-fourth session (A/AC.105/607 and Corr.1), annex II to which contained the report of the Chairman of the Working Group on the relevant agenda item.

28. The work of the Legal Subcommittee on the definition of outer space and the geostationary orbit had been reviewed by its parent body, the Committee on the Peaceful Uses of Outer Space, at its last session (see document A/50/20, paras. 112-115 and 187(b)).

29. The replies received by the Secretariat to the questionnaire on possible legal issues with regard to aerospace objects were reproduced in document A/AC.105/635, to which an addendum would be issued shortly.

30. The question of the examination of the physical nature and technical attributes of the geostationary orbit had been considered by the Scientific and Technical Subcommittee at its session in February 1996 (see document A/AC.105/637, paras. 153-160).

31. Finally, in resolution 50/27, the General Assembly had recommended that at its present session the Legal Subcommittee, taking into account the concerns of all countries, particularly those of developing countries, should continue its consideration of the item through the relevant working group.

The meeting rose at 11.10 a.m.